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20 WELLNESS SUPPORT NETWORK, INC.,
21 ROBERT HELD, and
22 ROBYN HELD

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Case No.: 3:10-cv-04879-JCS

Plaintiff,

**JOINT STIPULATION TO REVISE
SCHEDULE; DECLARATION OF
ANDREW S. ITTELMAN IN SUPPORT**

v.
23 WELLNESS SUPPORT NETWORK, INC., a
24 corporation, ROBERT HELD, individually and
as an officer of Wellness Support Network,
25 Inc., and ROBYN HELD, individually and as
an officer of Wellness Support Network, Inc.,

Hearing Date: TBD
Courtroom A, 15th Floor

Defendants.

Magistrate Judge: Hon. Joseph C. Spero

1 **I. INTRODUCTION AND PROCEDURAL HISTORY**

2 On June 16, 2011, pursuant to a stipulation by the parties to revise the stipulated and ordered
3 schedule for this matter (Dkt #29), the Court entered an order (Dkt #33) setting deadlines for, among
4 other things, the filing deadlines for Plaintiff's opposition to Defendants' Motion to Dismiss and
5 Defendants' reply, the parties to meet and confer regarding initial disclosures, file a Rule 26(f) report,
6 complete initial disclosures, and file a Case Management Schedule.
7

8 On June 8, 2011, Defendants filed its Motion to Dismiss Plaintiff's Amended Complaint. As
9 per the Court's June 16 Order, Plaintiff's opposition to Defendants' Motion to Dismiss is due June
10 29, 2011 and Defendants' reply is due July 6, 2011. However, given the complexities associated with
11 this case, the newly revised L.R. 7-3, as well as undersigned counsel's scheduling conflicts, the
12 parties have agreed to a 2-day extension of that deadline.
13

14 At this time, pursuant to L.R. 6-2 and L.R. 7-12, the parties respectfully request that the
15 deadline set for Defendants' reply to Plaintiff's opposition to Defendants' Motion to Dismiss in the
16 Court's June 16, 2011 Order be extended by an additional 2 days. The proposed schedule is set forth
17 below.
18

19 **II. PROPOSED REVISED SCHEDULE**

20 1. The parties propose the following modification to the current schedule for this case:
21 Defendants' reply to Plaintiff's opposition, if any, shall be filed no later than July 8, 2011.

22 2. All other aspects of the Court's Scheduling Order dated June 16, 2011, should remain
23 unchanged.
24

25 **III. CONCLUSION**

26 The parties respectfully request that the Court revise the schedule as set forth above.
27
28

1 Respectfully submitted,

2
3 Dated: June 28, 2011

FUERST ITTLEMAN, PL

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5 HOLMES & USOZ, LLP

6 By: */s/ Mitchell S. Fuerst*

7 Mitchell S. Fuerst

8 Attorney for Defendants, WELLNESS
SUPPORT NETWORK, ROBERT HELD, and
ROBYN HELD

9 By: */s/ Leslie Holmes*

10 Leslie Holmes

11 Attorney for Defendants, WELLNESS
SUPPORT NETWORK, ROBERT HELD, and
12 ROBYN HELD

13
14 Dated: June 28, 2011

15 FEDERAL TRADE COMMISSION

16 By: */s/ Laura Fremont*

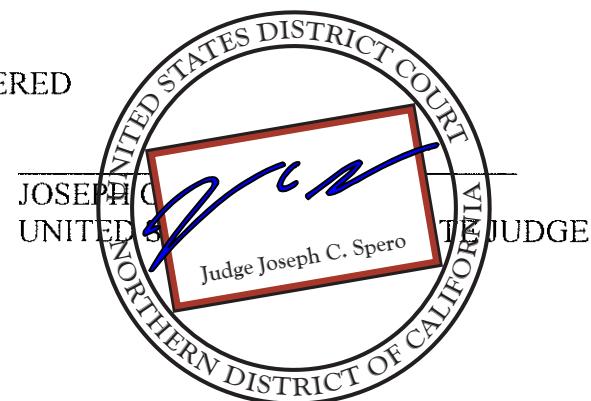
17 Laura Fremont

18 Kenneth H. Abbe

19 Attorney for Plaintiff, FEDERAL TRADE
COMMISSION

20 PURSUANT TO STIPULATION, IT IS SO ORDERED

21 DATED: 6/29/11



**DECLARATION OF ANDREW S. ITTLEMAN
IN SUPPORT OF JOINT STIPULATION TO REVISE SCHEDULE**

I, ANDREW S. ITTLEMAN, declare as follows:

1. I am counsel for Wellness Support Network, Inc. ("Wellness"), Robert Held and Robyn Held (hereinafter collectively referred to as "Defendants"), Defendants in the above-captioned action. I make this Declaration in support of the foregoing Joint Stipulation to Revise Schedule. I have personal knowledge of each of the following facts, and would and could competently testify thereto if called upon to do so in a court of law.

2. Reasons for the requested enlargement of time (Local Rule 6-2(a)(1)): The current deadline for the Defendants to file their reply to Plaintiff's opposition is July 6, 2011. However, given the complexities associated with this case, the newly revised L.R. 7-3, as well as undersigned counsel's scheduling conflicts, undersigned counsel requested and the government agreed to a 2-day extension of that deadline.

3. Disclosure of all previous time modifications (Local Rule 6-2(a)(2)): The Plaintiff filed its Complaint (Dkt #1) in this matter on October 28, 2010. Defendants' initial deadline to respond to the Complaint was November 26, 2010. On November 24, 2010, the parties filed a stipulation (Dkt #5) to extend that deadline to December 29, 2010; to set the deadline for Plaintiff to file its opposition to any papers filed by Defendants responsive to the Complaint to January 14, 2011; and to set the hearing for such matters for February 4, 2011. The Court so ordered on November 29, 2010 (Dkt #6).

On December 15, 2010, the parties filed a stipulation (Dkt #7) to modify the times set in the Court's *Order Setting Initial Case Management Conference and ADR Deadlines* (Dkt #3). The Court so ordered on December 15, 2010 (Dkt #8).

1 On January 26, 2011, the parties filed a Second Stipulation to Revise Schedule (Dkt
2 #21) to modify the times set in the Court's *Order Setting Initial Case Management Conference and*
3 *ADR Deadlines* (Dkt #3). The Court so ordered on January 27, 2011 (Dkt #22).

4 On April 4, 2011, the Court entered an Order (Dkt #24) granting in part and denying
5 in part Defendants' Motion to Dismiss Complaint. As a result of this Order, the parties filed a Joint
6 Stipulation (Dkt # 25) on April 18, 2011 to provide timeframes for Plaintiff to re-plead its Complaint
7 in part and for Defendants to file responsive papers. The Court so ordered on April 18, 2011 (Dkt
8 #26).

9 On May 12, 2011, the parties filed a Joint Stipulation (Dkt #28) to extend by 20 days
10 the time for the Defendants to file responsive pleadings to Plaintiff's First Amended Complaint (Dkt
11 #27), and to extend by 20 days the deadlines for the parties to perform the tasks required by the
12 Court's Case Management Order (Dkt. #3). The Court so ordered on May 16, 2011 (Dkt. #29).

13 On June 15, 2011, the parties filed a Joint Stipulation (Dkt. #32) to extend the
14 deadlines for the Plaintiff to file its opposition to Defendants' Motion to Dismiss, the Defendants'
15 reply, and the deadlines for the parties to perform the tasks required by the Court's Case Management
16 Order. The Court so ordered on June 16, 2011.

17 **4. Description of the effect the requested time modification would have on the schedule**
18 **for the case (Local Rule 6-2(a)(3)):** The proposed time modifications would extend by 2 days the
19 time for Defendants' reply, but the parties believe doing so would add to the long-term efficient
20 conduct of this case. No other dates previously stipulated to by the parties and ordered by this Court
21 in its June 16, 2011 Order would change.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct, and that this Declaration was executed on June 28, 2011 at Miami,
3 Florida.

4 */s/ Andrew S. Ittleman*
5 Andrew S. Ittleman
6 Attorney for Defendants